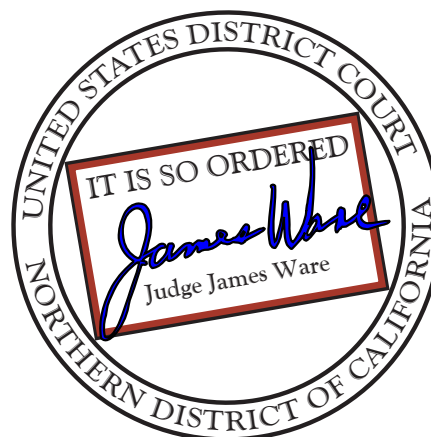


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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RAJVINDER SINGH,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of  
Homeland Security; EMILIO T. GONZALES,  
Director of the U.S. Citizenship and Immigration  
Services; ROSEMARY MELVILLE, District  
Director, U.S. Citizenship and Immigration  
Services; FRANCIS D. SICILIANO, Officer in  
Charge of the San Jose Office of the U.S.  
Citizenship and Immigration Services,

Defendants.

No. C 07-4772 JW

**STIPULATION TO TRANSFER  
PROPOSED ORDER**

This is an action arising under 8 U.S.C. § 1447(b). Plaintiff, a resident of Tracy, California, alleges that he attended an interview on his naturalization application on November 15, 2004, but the application remains adjudicated.

Pursuant to 8 U.S.C. § 1447(b), if there is failure to make a naturalization determination 120 days or more after the date of a naturalization examination, the applicant may apply to the United States District Court for the district in which the applicant resides for a hearing on the matter.

Tracy, California is located in San Joaquin County, in the Eastern District of California. 28 U.S.C.

§ 84(a). Accordingly, venue for this action is proper in the Eastern District, but not in this District.

The parties to this action, by and through their attorneys, hereby stipulate and request of the Court that this action should be transferred to the Eastern District of California pursuant to 28 U.S.C.

§ 1406(a). Section 1406(a) provides:

The district court of a district in which is filed a case laying in venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.

Because venue is proper only in the Eastern District, the parties believe that the interests of justice require that this action be transferred to the United States District Court for the Eastern District of California.

Dated: January 28, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/  
MELANIE L. PROCTOR<sup>1</sup>  
Assistant United States Attorney  
Attorneys for Defendants

Dated: January 28, 2008


/s/  
KANWAL M. SINGH  
Attorney for Plaintiff

**ORDER**

The foregoing stipulation is approved and this action is hereby transferred to the United States District Court for the Eastern District of California, the judicial district in which this case should have been brought. IT IS SO ORDERED.

The Clerk shall close this case upon transfer.

Date: January 30, 2008

  
JAMES WARE  
United States District Judge

<sup>1</sup>I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.